

RACHEAL HENRY and JOHN HENRY,)
)
 Plaintiffs,)
)
 v.) **Civil Action No. _____**
)
 DOUGLAS MORGON and) **Removal for Circuit Court**
 CLEAN HARBORS ENVIRONMENTAL) **of Dickson County, Tennessee**
 SERVICES, INC.,) **Case No. 22CC-2017-CV-104**
)
 Defendants.)

Defendants Douglas Morgan, incorrectly identified as Douglas Morgon in this action, and Clean Harbors Environmental Services, Inc. (“Clean Harbors”), pursuant to 28 U.S.C. § 1441(a), 1446, and 28 U.S.C. § 1332, hereby file and serve their Notice of Removal of Civil Action on the grounds of diversity of citizenship of the parties and respectfully show unto the Court as follows:

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4. Removal is appropriate here as Plaintiffs allege they reside and are citizens in the State of Tennessee. Comparatively, Clean Harbors is incorporated in Massachusetts and its principal place of business is in Norwell, Massachusetts. Further, Defendant Douglas Morgan is a resident and citizen of the State of Ohio. As such, complete diversity exists among the parties.

5. Additionally, the amount in controversy exceeds \$75,000 as Plaintiffs seek a money judgment of \$350,000 in damages from Defendants. Consequently, the amount in controversy requirement for diversity jurisdiction is satisfied.

6. Defendants Clean Harbors and Defendant Morgan, by filing this Notice of Removal, consent to the removal of this litigation to the United State District Court for the Middle District of Tennessee.

7. Under 28 U.S.C. § 1441(a), actions over which the District Courts of the United States have original jurisdiction are removable, and this Court has original jurisdiction of this case under 28 U.S.C. § 1332(a)(1). This action is removable to this Court because this is a civil action, the Plaintiffs and the Defendants are citizens of different states within the meaning of 28 U.S.C. § 1332, neither Clean Harbors or Defendant Morgan is a citizen of the State of Tennessee, and the matter in controversy exceeds the sum or value of Seventy-Five Thousand and 00/100 Dollars (\$75,000), exclusive of interest and costs.

8. This Notice of Removal is filed with the Clerk of the United States District Court for the Middle District of Tennessee, Nashville Division, at Nashville, Tennessee within thirty (30) days, as computed by Fed. R. Civ. P. 6(a), of the date of service by either Clean Harbors or Defendant Morgan of the initial pleading setting forth the claim for relief upon which this action is based. Accordingly, the time that Clean Harbors and Defendant Morgan have to answer or otherwise respond to the above-styled Complaint has not yet expired.

9. A copy of this Notice of Removal and the exhibit hereto are contemporaneously filed with the Circuit Court Clerk for Dickson County, Tennessee, giving due notice to the State Court, and further, a copy of this Notice of Removal and the exhibits hereto will be served on the Plaintiffs by and through their counsel.

10. The exhibits hereto include the only documents filed in this cause. To date, there have been no responsive pleadings or discovery served in this action and no further proceedings have been held in the Circuit Court for Dickson County, Tennessee.

11. Based on the foregoing, this Court has jurisdiction of the above-entitled action pursuant to 28 U.S.C. § 1332, and since the parties are citizens of different states, and neither Clean Harbors nor Defendant Morgan is a citizen of the State of Tennessee, removal of this action is proper pursuant to 28 U.S.C. § 1441(a) under the procedure set forth in 28 U.S.C. § 1446.

WHEREFORE, on the basis of the foregoing, Defendants Douglas Morgan and Clean Harbors Environmental Services, Inc., hereby serve Notice that the above-captioned action pending against them in the Circuit Court for Dickson County, Tennessee, has been removed therefrom to this Court.

Respectfully Submitted,

/s/ W. Lee Maddux

W. Lee Maddux (BPR #001235)
Rocklan W. King III (BPR #030643)
Adams and Reese LLP
424 Church Street, Suite 2700
Nashville, Tennessee 37219
Telephone: (615) 259-1041
Facsimile: (615) 259-1470
lee.maddux@arlaw.com
rocky.king@arlaw.com

*Attorneys for Douglas Morgan and
Clean Harbors Environmental Services, Inc.*

Certificate of Service

I hereby certify that a true and exact copy of the foregoing has been served on the following parties by placing it in the U.S. Mail, First Class, postage prepaid and electronic transmission as indicated below, on this the 6th day of October 2017.

Jeffrey C. Kovalski
3037B Highway 31W
P.O. Box 816
Whitehouse, TN 37188
jeff@tn-injury.us

/s/ W. Lee Maddux